SPECIAL ISSUES

- Federal Advisory Committee Act
- Conducting polls & surveys
- Public Hearing Requirements
- Using the Internet
- NEPA
- Corps ER –1105-2-100
- Planning Manual Chap 13

FEDERAL ADVISORY COMMITTEE ACT (1972)

- Recognize the value of public advice and counsel
- Provide advice that is relevant, objective, and open to the public
- Act promptly to complete their work
- Comply with reasonable cost controls and record keep requirements

GSA APPROVAL OF ADVISORY GROUPS

- Advisory committees must receive approval from a GSA secretariat before they can be established
- This process can take at least 6 months
- Most of what GSA wants to see is consistent with good public involvement
  - Representative
  - Open
  - Good records

EXAMPLES:
CORPS FACA COMMITTEES

- Chief of Engineers Environmental Advisory Board
- Inland Waterways Users Board
- U.S. Army Coastal Engineering Research Board

EXCEPTIONS TO FACA

- **No approval required if group is not asked to produce a group recommendations or reach consensus, i.e. OK if opinions are expressed as individuals**
- **Example: Environmental Management Program Committee, Upper Mississippi EMP – considering a coordinating group, not a decision making group**

CONDUCTING POLLS & SURVEYS WITH FEDERAL MONEY

- Law designed to protect the public from intrusive questioning, e.g. regulators asking questions of the people they regulate
- Basically, if you are going to use a formal poll, survey or questionnaire, you must first get OMB approval
- Takes at least 6 months
- There is a pre-approved standardized set of questions in the Corps which can be used

(link site)

CONDUCTING POLLS & SURVEYS WITH FEDERAL MONEY - Continued

- OMB review is primarily to ensure it isn't intrusive and uses good research design
  - Representative sample
  - Questions aren't "leading" or biased
- Can't pass Federal money on to a state or partner to do the survey/poll

CONDUCTING POLLS & SURVEYS WITH FEDERAL MONEY - Continued

- **Options:**
  - **Conduct interviews – use open-ended questions**
  - **Arrange for someone else to do the poll/survey**
  - **Use Corps pre - approved questions**

PUBLIC HEARING REQUIREMENTS

- **Minimum requirements:**
  - **Adequate public notice - minimum two weeks**
  - **“Complete record” - usually a court reporter transcript – but could be a typed-up tape recording**
  - **“Hearing Officer” – but doesn’t specify meeting leadership style**
- **Beyond minimum requirements – Flexibility in hearing format and design (e.d. phone-in comments)**

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USING THE INTERNET

- Present state-of-the art
  - Web page for major studies
  - Using the Internet to get out announcements to people who are actively involved
  - Using the web page as the information repository
  - Experimentation with interactive forums, e.g. EPA Public Involvement Policy

DOES USE OF THE INTERNET BUILD IN A "DIGITAL DIVIDE"?

- **Problem: Not everybody has access to a computer & modem**
- **Both a socio-economic and generational issue:**
  - **African-American use lower than other ethnic groups, but catching up fast**
  - **Asian use is higher than average, but new immigrant rate is lower**
  - **Older Americans' use is lower than average, but rapidly catching up, and when they do use it, they spend more time on it**

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EXAMPLES

- **Web site: Everglades Study**

http://www.evergladesplan.org

- **Information repository: Fort Ord**

http://www.fortordcleanup.com/docreview.shtml

- **Interactive discussion: EPA**

http://www.network-democracy.org/epa-pip/archive/date-X1.html

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EVALUATING PUBLIC INVOLVEMENT

Motivations for evaluating public participation:

- **Wanting to know if people were satisfied**
- **Wanting to learn what improvements should be made in future program**
- **Wanting to have solid information upon which to make comparative judgments**

PROBLEMS WITH EVALUATION

- The belief that a democratic decision is “better” whether or not it is more cost effective
- The “end state” is not always well-defined.
- The evaluation may be very different depending on which of these goals is measured
- Public participation can be evaluated as a process or for the outcome it produces

SATISFACTORY METHODOLOGY

- Identify stakeholders
- Have each stakeholder group identify its goals
- Conduct evaluations that permit you to identify the extent to which each stakeholder group satisfies its objectives

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EVERYDAY TECHNIQUES

- Interviews
- Hand-In response forms
- Mail-in response forms
- Citizen committee review
- Check-point meetings
- Post mortems
- Polls (conducted by other agencies)

WHEN TO USE CONSULTANTS

- In-depth experience with public involvement
- They have staff/mechanisms in place
- Ability to provide short-term focused support
- Other agencies may perceive the consultant as more neutral
- Provide a different perspective

ROLES OF CONSULTANTS

- Process advisor
- Meeting facilitator
- Implementation/logistics coordination

ROLES CONSULTANTS SHOULD NOT PLAY

- Don’t put consultants in a position to speak for the Corps
- Don’t make the consultant the “face” of the program
- Don’t relinquish decision-making about the process to the consultant

KEY ISSUE

- **You can't buy a "turn-key" public participation program – to try will only divorce the public participation from the real decision making.**